

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: ) Examiner: Fronda, Christian L.  
WOON-LAM Susan LEUNG et al. )  
Application Serial No.: 09/422,528 ) Art Unit: 1652  
Filed: 10/21/1999 ) Confirmation No. 5652  
For: **PROCESS FOR BACTERIAL ) Attorney's Docket No. GNE-0128 (P1190R1)**  
**PRODUCTION OF )**  
**POLYPEPTIDES )**  
**Customer No. 35489**

**FILED VIA EFS ON JUNE 9, 2010**

**TERMINAL DISCLAIMER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

1. The owner, Genentech, Inc., having a principal place of business at 1 DNA Way, South San Francisco, California 94080, represents that it is the owner of the entire right, title and interest in the invention disclosed and claimed in the above-identified patent application, and is also the owner of the entire right, title and interest in the invention disclosed and claimed in U.S. Patent No. 6,180,367 and U.S. Patent No. 6,258,560. The assignment concerning the above-identified application was recorded in the Assignment Database of the United States Patent and Trademark Office on February 29, 2000, at Reel 010566 and Frame 0905. The assignment concerning U.S. Patent No. 6,180,367 and U.S. Patent No. 6,258,560 was recorded in the Assignment Database of the United States Patent and Trademark Office on January 19, 2000, at Reel 010555 and Frame 0790.

2. Genentech, Inc. hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent No. 6,180,367 and U.S. Patent No. 6,258,560. The owner hereby agrees that any patent so granted on the instant application

shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application, and is binding upon the grantee, its successors or assigns.

3. For submission on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.

4. I hereby declare that all statements made herein of my own knowledge are true, that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issued thereon.

5. The undersigned is an attorney of record.

6. The Commissioner is authorized to charge any fees, including any fees for extension of time, or credit overpayment to **Deposit Account No. 50-2387** (Attorney Docket No. **GNE-0128 (24126.076)**).

Respectfully submitted,

Date: June 9, 2010

By Electronic Signature:/GINGER R. DREGER/  
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